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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,214	01/26/2004	Timothy L. Kohler	03630.000178.1	6558
5514 7590 05/28/2009 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER				
HANG, VU B				
ART UNIT		PAPER NUMBER		
2625				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/763,214

**Applicant(s)**

KOHLE ET AL.

**Examiner**

Vu B. Hang

**Art Unit**

2625

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18, 20-37, 39-56 and 58-75 is/are pending in the application.
- 4a) Of the above claim(s) See Continuation Sheet is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 13-18, 20-26, 29, 32-35, 37, 39-45, 48, 51-56, 58-64, 67 and 70-74 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 January 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

Continuation of Disposition of Claims: Claims withdrawn from consideration are 8-12,27,28,30,31,36,46,47,49,50,65,66,68,69,75 and 76.

#### **DETAILED ACTION**

- This office action is responsive to the communication filed on 03/02/2009.
- The amendments received on 03/02/2009 have been entered and made of record.
- Claims 1-18, 20-37, 39-56 and 58-75 are pending in the current application.

#### ***Response to Arguments***

1. Applicant's arguments filed on 03/02/2009, with respect to the amended independent (Claims 1, 20, 39 and 58) and the cited prior art reference, have been fully considered and are persuasive. Therefore, the previous rejections of Claims 1-7, 13-15, 20-26, 29, 32-35, 39-45, 48, 51-55, 58-64, 67 and 70-74 have been withdrawn. However, upon further consideration, a new ground of rejection is made in view of Mori et al. (US Patent 6,417,931 B2) and Hill et al. (US Patent 6,023,714).

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7, 13-16, 18, 20-26, 29, 32-35, 37, 39-45, 48, 51-56, 58-64, 67 and 70-74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mori et al. (US Patent 6,417,931 B2) in view of Hill et al. (US Patent 6,023,714), and in further view of Schneider et al. (US Patent 5,625,758).

4. Regarding **Claim 1**, Mori discloses a method for arranging print data according to a layout of the print data (see Fig.5, Fig.6 (S605,S606), Fig.10 and Col.1, Line 41-55), wherein the print data is printed by a printer onto a recording medium (see Fig.2 (201,1500), Fig.6 (S605,S606) and Col.6, Line 26-31), in which the recording medium is processed by a target device different from the printer (see Fig.8, Fig.10 and Col.10, Line 24-31), comprising: determining a designation of a valid area on the recording medium on which the printer can print (see Fig.5, Fig.6, Fig.10 and Col.9, Line 34-43); determining the layout of the print data (Fig.6 (S605,S606), Fig.10 and Col.9, Line 44-53); and arranging the print data for printout by the printer in accordance to the determined layout (see Fig.6 (606) and Col.6, Line 26-45). Mori fails to disclose communicating with the printer and the target to determine the printing capabilities of the printer and the processing capabilities of the target device; and determining the layout for the print data based on an area on the print medium that is common between the valid area designated by the printer and a printable area designated by target device.

5. Mori, however, teaches determining a designation of a valid area on the recording medium, based on obtained sheet size information (see Fig.5, Fig.6 (S605,S606) and Col.9, Line 54-65). Hill teaches a method for dynamically adapting the layout of a document for an output device by interrogating and determining the capabilities of an output device (see Fig.2 (200,202,210), Fig.4 (402,404,406,414), Col.2, Line 14-20 and Col.10, Line 15-47). Schneider discloses a method for communicating with a printer and print medium processing device to determine their processing capabilities (see Fig.1 (1,2,3,4), Col.4, Line 3-15, Col.4, Line 17-53, Col.5, Line 8-18 and Col.7, Line 52-59), and teaches determining the layout of the print data used for color adjustment related to the printer (see Fig.1 (1,2,3,4) and Col.5, Line 54 - Col.6,

Line 6), based on the compatible capabilities between the priming capabilities of the printer and the processing capabilities of the target device (see Fig.1 (1,2,3,4), Col.3, Line 18-28, Col.4, Line 41-53 and Col.5, Line 9-18).

6. Mori, Hill and Schneider are combinable because they are from the same field of endeavor, image data processing methods. At the time of the invention, it would have been obvious for one skilled in the art to include to Mori's method, the steps for communicating with the printer and the target to determine the printing capabilities of the printer and the processing capabilities of the target device; and determining the layout for the print data based on an area on the print medium that is common between the valid area designated by the printer and a printable area designated by target device. The motivation would be to ensure that the print data layout will be consistent between the printer and the print medium processing device (target device, finishing device). The printing capabilities information from the priming device and the processing capabilities information from the print medium processing device would enable for the print data layout to be calculated and adapted accordingly to maintain print data layout consistency between the printing device and the print medium processing device.

7. Regarding **Claim 2**, Mori, Hill and Schneider teach the method of Claim 1 but they fail to expressly disclose the step of communicating with the printer so as to negotiate a layout. Hill, however, discloses the step of communicating with an output device so as to negotiate a layout (see Fig.2 (200,202,210), Fig.4 (402,404,406,414), Col.2, Line 14-20 and Col.10, Line 15-47). At the time of the invention, it would have been obvious for one skilled in the art to include the step for communicating with the printer so as to negotiate a layout. The motivation would be to calculate the print data layout in accordance with the printer capabilities.

8. Regarding **Claim 3**, Mori, Hill and Schneider teach the method of Claim 1 but they fail to expressly disclose the step of communicating with the target device so as to negotiate a layout. Hill, however, discloses the step of communicating with an output device so as to negotiate a layout (see Fig.2 (200,202,210), Fig.4 (402,404,406,414), Col.2, Line 14-20 and Col.10, Line 15-47). At the time of the invention, it would have been obvious for one skilled in the art to include the step for communicating with the target device (finishing device) so as to negotiate a layout. The motivation would be to calculate the print data layout in accordance with the target device capabilities.
9. Regarding **Claim 4**, the rationale provided for the rejection of Claim 2 is incorporated herein.
10. Regarding **Claim 5**, Mori further discloses wherein the layout is communicated to the printer in a print job sent to the printer for printing the print data (see Fig.3 (201,302,303,203,1500), Fig.5 and Col.6, Line 52-59).
11. Regarding **Claim 6**, the rationale provided for the rejection of Claim 3 is incorporated herein.
12. Regarding **Claim 7**, the rationale provided for the rejection of Claim 2 is incorporated herein.
13. Regarding **Claim 14**, Mori further teaches determining at least one valid size for the recording medium (see Fig.6 (S605,S606) and Col.9, Line 54-65) and at least one area on the recording medium that can be processed (see Fig.5, Fig.6 (S602,S605,S606), Fig.10 and Col.9, Line 54-65).

14. Regarding **Claim 15**, Mori further teaches determining at least one area on the recording medium that cannot be processed (see Fig.5, Fig.6 (S602,S605,S606), Fig.10 and Col.9, Line 54-65).

15. Regarding **Claim 16**, Mori further teaches determining a minimum distance of separation for images on the recording medium that can be processed (see Fig.10 and Col.11, Line 30-64).

[Note: The layout for N-up printing is calculated while taking margins into account, so as to avoid having print data extending outside the printable area and being lost.]

16. Regarding **Claim 18**, Schneider further discloses that the target device could be a folding device (see Col.4, Line 41-47 and Col.5, Line 15-18), a cutting device (see Col.5, Line 15-18), a color measuring device (see Col.5, Line 54 - Col.6, Line 6 and Col.7, Line 60-67), a turn-over device (see Col.5, Line 9-18) or finishing device (see Col.5, Line 9-18). Mori, Hill and Schneider fail to disclose that the target device can be selected from a stamp reader, a bar code reader, an automatic scoring device, an automatic binding device and an automatic stamping device.

Schneider, however, teaches that the print data communication process can be applied to any areas of the printing process which can operate independently from the printing press (see Col.3, Line 44-47). At the time of the invention, it would have been obvious for one skilled in the art to use a specific processing or finishing device as the target device. The motivation would be to perform specific post-print processing on the recording medium, such as applying a specific cutting, binding, stitching or finishing on the printed recording medium.

17. Regarding **Claims 20-26**, the rationale provided for the rejection of Claims 1-6 are incorporated herein.



18. Regarding **Claim 29**, the rationale provided for the rejection of Claim 3 is incorporated herein.
19. Regarding **Claims 32-35**, the rationale provided for the rejection of Claims 13-16 are incorporated herein.
20. Regarding **Claims 39-45**, the rationale provided for the rejection of Claims 1-7 are incorporated herein.
21. Regarding **Claim 48**, the rationale provided for the rejection of Claim 29 is incorporated herein.
22. Regarding **Claims 51-55**, the rationale provided for the rejection of Claims 13-17 are incorporated herein.
23. Regarding **Claims 58-64**, the rationale provided for the rejection of Claims 1-7 are incorporated herein.
24. Regarding **Claim 67**, the rationale provided for the rejection of Claim 29 is incorporated herein.
25. Regarding **Claims 70-74**, the rationale provided for the rejection of Claims 13-17 are incorporated herein.
26. Regarding **Claim 37**, the rationale provided for the rejection of Claim 18 is incorporated herein.
27. Regarding **Claim 56**, the rationale provided for the rejection of Claim 18 is incorporated herein.
28. Claims 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mori et al. (US Patent 6,417,931 B2) in view of Hill et al. (US Patent 6,023,714), and in further view of

Schneider et al. (US Patent 5,625,758), and in further view of Stearns et al. (US Patent 5,699,450).

29. Regarding **Claim 17**, Schneider discloses the printer is a color printer (see Col.7, Line 22-27), the print data includes color patches for performing color calibration of the color printer (see Col.5, Line 54 - Col.6, Line 6 and Col.6, Line 21-57), and the target device is a color measuring device (see Col.5, Line 54 - Col.6, Line 6 and Col.7, Line 60-67). Mori, Hill and Schneider fail to disclose that the processing capabilities include a minimum distance of separation for the images on the recording medium that can be processed. Schneider, however, teaches providing various color patches (marks) as control elements for adjusting the colors of the print data (see Col.5, Line 54--Col.6, Line 6), and that certain areas of the image data may be used for color measurements (see Col.5, Line 54 - Col.6, Line 6). Schneider further teaches providing position coordinates and dimension of the color patches to be measured to press (see Col.5, Line 54 - Col.6, Line 6). Stearns teaches arranging the color patches in predetermined orientation and spacing them apart within focal precision of the sensor for the purpose of sensing and measuring the color patches (see Fig.3 and Col.8, Line 26-51).

30. Mori, Hill, Schneider and Stearns are combinable because they are from the same field of endeavor, image data processing methods. At the time of the invention, it would have been obvious for one skilled in the art to include in the layout information for the color patches, a minimum distance of separation for the images on the recording medium that can be processed. The motivation would be to arrange the color patches at certain locations on a print medium so they can be measured and processed for the color correction process. The predetermined arrangement/layout of the color patches would enable the color measurement process, which

requires the color patches to be placed at certain locations on the print medium. The specified layout and spacing would ensure that the color patches will be measured by a reading/sensing device.

### *Conclusion*

31. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

32. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

33. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vu B. Hang whose telephone number is (571)272-0582. The examiner can normally be reached on Monday-Friday, 9:00am - 6:00pm.

34. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (571) 272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

35. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vu B. Hang/  
Examiner, Art Unit 2625

/David K Moore/  
Supervisory Patent Examiner, Art Unit 2625